

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

|                                |   |                        |
|--------------------------------|---|------------------------|
| QUICK SWITCH ENTERPRISES, LLC, | : |                        |
|                                | : |                        |
| Orem, UT,                      | : |                        |
|                                | : | Civil Action No.:      |
| Plaintiff,                     | : |                        |
|                                | : |                        |
| vs.                            | : | Trial by Jury Demanded |
|                                | : |                        |
| FLAIR ELECTRONICS, INC.,       | : |                        |
|                                | : |                        |
| Glendora, CA,                  | : |                        |
|                                | : |                        |
| Defendant                      | : |                        |

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**COMPLAINT**

Plaintiff, Quick Switch Enterprises, LLC (“Quick Switch”), by and through their undersigned attorney, and for their complaint against Flair Electronics Inc. (“Flair”), aver on knowledge as to themselves and their own acts and on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This action arises under the patent laws of the United States, namely, Title 35 United States Code, for infringement of plaintiff’s registered patent *Bracket assembly for mounting a reed switch and associated magnet*, U.S. Patent No. 6,359,538 (the “patent”) by the defendant. This action is compelled by defendant’s continued manufacturing and selling of plaintiff’s patented device.

### **THE PARTIES**

2. Quick Switch is a limited liability corporation duly creating and existing under the laws of the state of Utah and has established distributors and installers throughout the Commonwealth of Pennsylvania and a national presence through the World Wide Web.

3. On information and belief, Flair is a corporation created and existing under the laws of California, having a principal place of business at 650 W. Foothill Blvd., Glendora, CA. 91741 and has a national presence through the World Wide Web.

### **JURISDICTION AND VENUE**

4. a) This Court has jurisdiction under 28 U.S.C. § 1338 and 35 U.S.C. § 271.

b) This Court also has jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), through diversity of citizenship and the amount in controversy is in excess of \$75,000.00.

5. This Court may exercise personal jurisdiction pursuant to the Pennsylvania Long Arm Statute, 24, Pa.C.S.A. § 5322(a) and §5322(b). Specifically, defendant is subject to personal jurisdiction in the Commonwealth of Pennsylvania under section 5322(a)(1) (transacting business in the Commonwealth of Pennsylvania).

6. On information and belief, defendant is further subject to personal jurisdiction under section 5322(a)(2) and (a)(3) (causing tortious injury in Pennsylvania through Flair's infringing conduct in Pennsylvania and regularly conducting business in Pennsylvania).

7. Defendant Flair commercializes its products to the citizens of Pennsylvania, as shown, by example in Flair's website. *See* Exhibit A.

8. Venue is proper under 28 U.S.C. 1391(c) and 1400(b).

#### **PLAINTIFF'S PATENT**

9. Plaintiff is the owner of United States Patent No. 6,359,538, dated March 19, 2002. A copy of Plaintiff's Patent is attached as Exhibit B.

10. Defendant has infringed United States Patent No. 6,359,538 by making, using and/or selling a bracket assembly for mounting a reed switch and associated magnet, in the Commonwealth of Pennsylvania and elsewhere in the United States. Defendant will continue to infringe unless enjoined by this Court.

#### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff, Quick Switch Enterprises, LLC. demands judgment in its favor and against defendant as follows:

- A. Preliminary and final injunctions against continued infringement;
- B. Monetary damages adequate to compensate for the infringement;
- C. Treble damages resulting from defendant's willful and deliberate infringement;
- D. Reasonable attorneys' fees pursuant to 35 U.S.C. sec. 285;
- E. An assessment of interest and costs; and
- F. Such other and further relief as this Court deems just and proper.

#### **JURY DEMAND**

Quick Switch Enterprises, LLC. demands a trial by jury.

Dated this 18<sup>th</sup> day of August, 2005

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